

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
NEW ALBANY DIVISION**

TYLER TECHNOLOGIES, INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 4:20-cv-00173-TWP-DML
	)	
LEXUR ENTERPRISES INC., ROBERT FRY,	)	
JIMMY DAVIS, JOE THORNSBERRY,	)	
AND JOHN DOES 1-100	)	
	)	
Defendants.	)	
	)	

**ASSENTED-TO MOTION FOR EXTENSION OF  
MOTION TO DISMISS BRIEFING SCHEDULE**

Plaintiff Tyler Technologies, Inc. (“Tyler”), with the assent of Defendants Lexur Enterprises Inc. (“Lexur”), Robert Fry (“Fry”), Jimmy Davis (“Davis”), and Joe Thornsberry (collectively, the “Defendants”), moves the Court for a brief extension of the current motion to dismiss briefing schedule. In support of this Motion, the Parties state as follows:

1. Tyler filed its Complaint on August 10, 2020 (DE #1.)
2. Following notices of automatic extensions of time by the Defendants (DE #12, #18, #23, #25), Lexur filed a motion to dismiss on September 29, 2020 (DE #29, #30), and Fry and Davis each filed motions to dismiss on September 30, 2020 (DE #32, #32, #33, #34.)
3. Following the October 1, 2020 initial pretrial conference, the Court set the following briefing schedule: Tyler to respond to all three motions to dismiss (in a consolidated fashion if desired) by October 30, 2020, and Defendants to submit replies, if any, by November 13, 2020 (DE #35.)

4. Subsequently, on October 19, 2020, the Parties filed a Joint Motion for Extension of Motion to Dismiss Briefing Schedule so that they could continue early settlement discussions without otherwise dedicating resources to briefing (DE #39). The Court granted the Motion on October 21, 2020, and set the following briefing schedule: Tyler to respond to all three motions to dismiss by November 20, 2020, and Defendants to submit replies, if any by December 9, 2020 (DE #43).

5. The Parties continued settlement discussions and ultimately scheduled a full-day settlement conference with Magistrate Judge Lynch for December 21, 2020.

6. In light of scheduling that conference, on November 17, 2020, the Parties filed a Joint Motion for Extension of Motion to Dismiss Briefing Schedule and Modification of Case Management Plan so that they could continue settlement discussions and participate in the settlement conference without otherwise dedicating resources to briefing (DE #49). The Court granted the Motion on November 18, 2020, and set the following briefing schedule: Tyler to respond to all three motions to dismiss by January 11, 2021, and Defendants to submit replies, if any by January 25, 2021 (DE #50). The Court also modified the Case Management Plan to extend the deadline to amend the pleadings and/or to join additional parties to March 10, 2021 (DE #50).

7. The Parties engaged in a settlement conference with Magistrate Judge Lynch on December 21, 2020, but a complete resolution of the action was not reached.

8. Due to a scheduling conflict that has arisen, Tyler requests a brief one-week extension of the current January 11, 2021 deadline to oppose the pending motions to dismiss, until January 18, 2021, with an attendant extension of the deadline for Defendants' replies to February 1, 2021.

9. These extensions will not affect any deadlines or the trial date, as this matter is in its early stages and discovery is not yet underway.

10. This Motion is not being made for any improper purpose.

11. Counsel for Tyler has conferred with counsel for the Defendants, who each indicated their assent to this motion.

WHEREFORE, Tyler respectfully requests that the Court grant an enlargement of time up to and including January 18, 2021, for Tyler to file its response in opposition to the three pending motions to dismiss filed by the Defendants, with a reply deadline following on February 1, 2021.

Respectfully submitted,

/s/Ann O'Connor McCready

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*Counsel for Plaintiff Tyler Technologies, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that on December 22, 2020, a copy of the foregoing document titled *Assented-To Motion for Extension of Motion to Dismiss Briefing Schedule* was filed via CM/ECF and served on all counsel of record.

/s/Ann O'Connor McCready

Ann O'Connor McCready